

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LeGrand et al.
Title: Azetidine Derivatives as CCR-3
Receptor
Appl. No.: 10/507,139
Filing Date: September 9, 2004
Patent No.: 7,288,537
Issue Date: October 30, 2007
Examiner: Susannah Lee Chung
Art Unit: 1626
Confirmation Number: 8975

PETITION REGARDING PATENT TERM ADJUSTMENT

UNDER C.F.R. §1.705(d)

Mail Stop PATENT EXT.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Applicants duty of candor and good faith of the U.S. Patent and Trademark Office (hereinafter, the "Office"), Applicants note that a reply in regards to the Communication Regarding Patent Term Adjustment is submitted via EFS-Web.

In view of the above statements of fact, Applicants believe they are entitled to 153 days of PTE. The adjustment is based upon 259 days of PTO delay to issuance of 1st Office Action on merits less the sum of Applicant's 106 days of delay (e.g. 77 days for Response to 1st Office Action and 29 days for late payment of Issue Fee).

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An Issue Notification was mailed on October 10, 2007 noting that the current Patent Term Adjustment is now "138" days. This petition requests that the Office review applicants' submission and make the appropriate adjustments to the patent term.

CONCLUSION

In view of the above statements of fact, Applicants believe they are entitled to 153 days of Patent Term Extension, based on the following adjustments: 259 days PTO (time for 1st Action on merits) less 106 days (sum of days corresponding to Response to 1st Office Action (77) and payment of Issue Fee (28)).

It is hereby requested that the Patent Office verify the calculation of the Patent Term Adjustment for the present application.

Patentee requests a waiver of any additional fees required for filing this petition. However, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-4409. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-4409.

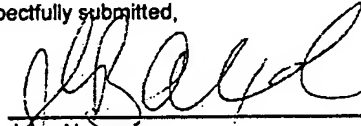
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Date:

20 Dec 2007

Respectfully submitted,



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